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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/082,416	02/26/2002	Dwip N. Banerjee	AUS920010867US1	4658

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09/21/2005

Mr. Volel Emile
P.O. Box 202170
Austin, TX 78720-2170

EXAMINER

LIN, KELVIN Y

ART UNIT	PAPER NUMBER
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2142

DATE MAILED: 09/21/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/082,416

Applicant(s)

BANERJEE ET AL.

Examiner

Kelvin Lin

Art Unit

2142

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-32 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-32 is/are rejected.
- 7) ☒ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 26 February 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

Detailed Action

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

1. Claims 1-4, 9-12, 17-20, and 25-28 are rejected under 35 USC 102(e) as being anticipated by Monroe et al., (U.S. Patent. No. 6310632).
2. Regarding claim 1, Monroe teaches a method of dynamically updating dynamic host configuration protocol, (DHCP) options stored on a computer system comprising the steps of:
 - setting up the options into a configuration file (Monroe, col.3, l.66-67, col.4, l.1-4) ; and
 - periodically updating the options automatically (Monroe, col.5, l.6-9, in which the time value corresponds to the periodically updating the option automatically).
3. Regarding claim 2, Monroe further discloses the method of claim 1 wherein the

options are passed to a client system requesting an IP address (Monroe, col.9, Table 1-continue, l.35-69, the code corresponds to the sending of options to the client).

4. Regarding claim 3, Monroe further discloses the method of claim 2 wherein one of the options is a router that the requesting client system is to use when communicating on a network (Monroe, fig.3, component 130 the tag router corresponds to the router that the client is to use).
5. Regarding claim 4, Monroe further discloses the method of claim 3 wherein another one of the options is a domain name server that the requesting client system is to use to convert domain names of computer systems into IP addresses (Monroe, fig.3, component 130 the domain name server corresponds to the router that the client is to use).
6. Regarding claims 9-12, which claiming for computer program for DHCP, have similar limitations as claims 1-4. Therefore, claims 9-12 are rejected for the same reasons set forth in the rejection of claims 1-4.
7. Regarding claims 17-20, which claiming for apparatus for DHCP, have similar limitations as claims 1-4. Therefore, claims 17-20 are rejected for the same reasons set forth in the rejection of claims 1-4.
8. Regarding claims 25-28, which claiming for computer system for DHCP plus one storage device to store code data (Monroe, col.26, l.61-67) have similar limitations as claims 1-4. Therefore, claims 25-28 are rejected for the same reasons set forth in the rejection of claims 1-4.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claims 5-8, 13-16, 21-24, and 29-32 are rejected under 35 USC 102(e) as being unpatentable over Monroe in view of Anand et al., (U.S. PG Pub. No. 2002/0078188).

10. Regarding claim 5, Anand further discloses a method of load-balancing network data traffic on network resources comprising the steps of:

- setting up at least one option to use at least one of the network resources into a configuration file, the configuration file being stored on a computer system (Anand, Page 1, [0006]); and
- periodically updating the at least one option automatically to use another one of the resources (Anand, Page 3, [0033]-[0034], in which the DHCP configuration of client must be change whenever the roles of the boot server changes corresponds to the periodically updating automatically).

Although Monroe teaches a method dynamically updating dynamic host configuration protocol, (DHCP) options stored on a computer system, Monroe fails to teach the method of load-balancing network data network and stored on a DHCP.

However, Anand teaches the method of load-balancing network data traffic on network resources. Setting up options at DHCP and timely updating the option automatically to use another resources (Anand, [0006], [0033]-[0034]).

It would have been obvious to one ordinary skilled in the art at the time the invention was made to include the teaching of Anand for load-balancing network data traffic on network resource on DHCP.

The motivation for Monroe to implement DHCP option features and combines with Anand's load-balancing data traffic in the configuration file would be more dynamically and efficiently to add new feature in the option list as taught by Monroe.

11. Regarding claim 6, Anand further discloses the method of claim 5 wherein the configuration file is stored on a dynamic host configuration protocol (DHCP) server (Anand, Page 3, [0033], l.14-15).

12. Regarding claim 7, Anand further discloses the method of claim 6 wherein the at least one option is a router (Anand, Page 3, [0043], in which the number of routers and network topology obtained from the DHCP corresponds to the one option is router).

13. Regarding claim 8, Anand further discloses the method of claim 6 wherein the method of claim 6 wherein the at least one option is a domain name server used

Art Unit: 2142

to convert domain names of computer systems into IP addresses (Anand, Page 3, [0054], in which the Web browser corresponds to the domain name server and convert to IP address is an obvious technology in this field).

14. Regarding claims 13-16, which claiming for computer program for load-balancing, have similar limitations as claims 5-8. Therefore, claims 13-16 are rejected for the same reasons set forth in the rejection of claims 5-8.

15. Regarding claims 21-24, which claiming for apparatus for load-balancing, have similar limitations as claims 5-8. Therefore, claims 13-16 are rejected for the same reasons set forth in the rejection of claims 5-8.

16. Regarding claims 29-32, which claiming for apparatus for load-balancing plus storage device to store code data (Anand, [0051], I.11-15), have similar limitations as claims 5-8. Therefore, claims 13-16 are rejected for the same reasons set forth in the rejection of claims 5-8.

Conclusion

The prior art made of record and not relied upon is considered pertinent to application's disclosure.

- Synnestvedt et al., (US Patent No. 6876667) Method and Apparatus for Establishing Class of Service Configuration in A Network Device of A Broadband Cable Network Using Dynamic Host Configuration Protocol.
- Dravida et al., (US PG Pub. No. 2004/0019876) Network Architecture for Intelligent Network Elements.

- Gupta et al., (US PG Pub. No. 2002/0101820) Broadband System With Traffic Policing and Transmission Scheduling.
- Esibov et al., (US Patent No. 6701329) Aging and Scavenging of DNS Resource Records
- NPL – Dorms R., Automated Configuration of TCP/IP with DHCP, Internet Computing, IEEE, Vol. 3, Issue 4, July-Aug. 1999 P. 45-53.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kelvin Lin whose telephone number is 571-272-3898. The examiner can normally be reached on Flexible 4/9/5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Caldwell can be reached on 571-272-3868. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

09/09/05
KYL



KAMINI SHAH
PRIMARY EXAMINER

Application/Control Number: 10/082,416
Art Unit: 2142

Page 8